

HOUSE BILL 2751

By Towns

AN ACT to amend Tennessee Code Annotated, Title 39, Chapter 13; Title 40 and Title 55, relative to criminal offenses.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 39-13-102(e)(1)(A), is amended by deleting subdivisions (ii) and (iii) in their entirety and substituting instead the following:

(ii) Subdivision (a)(1)(A)(i), (ii), or (iv) is a Class C felony;

(iii) Subdivision (a)(1)(A)(iii) is a Class C felony, unless the offense is committed by discharging a firearm from within a motor vehicle, as defined in § 55-1-103, in which case aggravated assault is a Class B felony;

SECTION 2. Tennessee Code Annotated, Section 39-13-102(e)(1)(A), is further amended by deleting subdivisions (v) and (vi) in their entirety and substituting instead the following:

(v) Subdivision (a)(1)(B)(i) or (ii) is a Class D felony; and

(vi) Subdivision (a)(1)(B)(iii) is a Class D felony, unless the offense is committed by discharging a firearm from within a motor vehicle, as defined in § 55-1-103, in which case aggravated assault is a Class C felony.

SECTION 3. Tennessee Code Annotated, Section 39-13-102(e), is amended by adding the following new subdivision:

(6)

(A) In addition to any other punishment authorized by this section, a court shall order the following for a person convicted of aggravated assault that is

committed by discharging a firearm from within a motor vehicle or conspiracy to commit the same offense:

(i) Revocation of the defendant's driver license for a period of up to one (1) year, to begin following any period of confinement imposed;

(ii) A fine of up to two (2) times the amount authorized for the punishment of aggravated assault; and

(iii) The defendant to serve a sentence of incarceration for not less than one (1) year, which sentence must be served day for day.

(B) A second or subsequent violation described in subdivision (e)(6)(A) must be punished the same as a first violation, except that the motor vehicle used in the commission of the second or subsequent violation is subject to seizure and forfeiture under the same procedures used for the forfeiture of conveyances pursuant to title 40, chapter 33.

SECTION 4. Tennessee Code Annotated, Section 39-13-103, is amended by adding the following as new subsections:

(c)

(1) In addition to any other punishment authorized by this section, a court shall order the following for a person convicted of reckless endangerment under the circumstances set out in subdivision (b)(4) or conspiracy to commit the same offense:

(A) Revocation of the defendant's driver license for a period of up to one (1) year, to begin following any period of confinement imposed;

(B) A fine of up to two (2) times the amount authorized for the violation of this section; and

(C) The defendant to serve a sentence of incarceration for not less than one (1) year, which sentence must be served day for day.

(2) A second or subsequent violation described in subdivision (c)(1) must be punished the same as a first violation, except that the motor vehicle used in the commission of the second or subsequent violation is subject to seizure and forfeiture under the same procedures used for the forfeiture of conveyances pursuant to title 40, chapter 33.

(d) It is a defense to the application of this section that the person who engages in conduct that places another person in imminent danger of death or serious bodily injury was acting in justified self-defense, pursuant to § 39-11-611, or justified defense of a third person, pursuant to § 39-11-612.

SECTION 5. Tennessee Code Annotated, Section 55-10-205, is amended by deleting subsection (d) and substituting instead the following:

(d) A person commits an offense of reckless driving who operates a vehicle on any public road, street, or highway within a business, urban, or residential area; a neighborhood; a congested area; or any other premises that is generally frequented by the public at large:

(1) At a speed that is at least twenty miles per hour (20 mph) above the speed limit; and

(2) While weaving between lanes while other vehicles share the lanes in willful and wanton disregard for the safety of persons or property.

(e)

(1)

(A) A violation of subsections (a)-(c) is a Class B misdemeanor.

(B) A violation of subsection (d) is a Class A misdemeanor.

(2)

(A)

(i) In addition to the penalty authorized by subdivision (e)(1)(A), the court shall assess a fine of fifty dollars (\$50.00) to be collected as provided in § 55-10-412(b) and distributed as provided in § 55-10-412(c).

(ii) In addition to the penalty authorized by subdivision (e)(1)(B), the court shall assess a fine of two hundred dollars (\$200) to be collected as provided in § 55-10-412(b) and distributed as provided in § 55-10-412(c).

(B) In addition to the penalty authorized by subdivision (e)(1)(B), a court shall order the following for a person convicted of reckless driving under the circumstances set out in subsection (d):

(i) Revocation of the defendant's driver license for a period of up to six (6) months, to begin following any period of confinement imposed; and

(ii) The defendant to serve a sentence of incarceration for not less than thirty (30) days, which sentence must be served day for day.

SECTION 6. This act takes effect July 1, 2022, the public welfare requiring it.